

**FACT SHEET**

**PROPOSED CONSTRUCTION PERMIT**

**ENVIRONMENTAL DISPOSAL SYSTEMS, INC.**

**Romulus, Michigan**

**MIR 000 016 055**

**December 8, 2000**



**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
WASTE MANAGEMENT DIVISION**

## **Introduction**

The Michigan Department of Environmental Quality (DEQ) proposes to issue a hazardous waste management construction permit to Environmental Disposal Systems, Inc. (EDS) based on the following:

- I. The application submitted by EDS is sufficiently detailed for the DEQ to evaluate the facility and its impact on human health and the environment.
- II. The facility satisfies all of the technical design, construction, and operating standards under Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451).
- III. EDS has obtained all other necessary federal and state environmental permits necessary for construction of the facility.
- IV. The disclosure statement does not contain any listings that could be a reason to deny the construction permit.
- V. Conditions in the construction permit will address the legitimate reasons for denial that were enumerated by the Site Review Board (SRB).

Prior to making the final decision, the DEQ is required to provide a fact sheet on the draft permit. The fact sheet must contain a brief description of the facility and activity subject to the permit, the types and quantities of hazardous wastes that will be managed, reasons why any requested variance or alternatives to minimum standards do or do not apply, and a description of the procedures for reaching a final decision, including: the beginning and end dates for public comment and the address where comments will be received; procedures for requesting a hearing and the nature of the hearing; other procedures by which the public may participate in the final decision; and the name and telephone number of the person to contact for more information. This fact sheet contains all of the required information, plus additional information regarding the hazardous waste management program and the review of the EDS project.

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## **Background**

The management of hazardous waste in Michigan is regulated under Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), and its administrative rules, MAC R 299.9101 *et seq.* In addition, the management of hazardous waste in Michigan and nationwide is regulated under Subtitle C of the federal Solid Waste Disposal Act, as amended, 42 USC 6901 *et seq.*, which is commonly known as the Resource Conservation and Recovery Act of 1976 (RCRA). The RCRA was amended substantially by the Hazardous and Solid Waste Amendments of 1984 (HSWA).

Under the RCRA, a state may obtain authorization to administer its program in lieu of the federal program. Michigan amended its hazardous waste management administrative rules in 1985 to be equivalent to those under the RCRA. Michigan then became authorized in October 1986 to administer the portions of the federal program that were duplicated by the state program. Since that time, Michigan has continued to amend its administrative rules to stay as stringent as those rules under the RCRA.

Both the RCRA and Part 111 of Act 451 establish a permit system governing the treatment, storage, and disposal of hazardous wastes. Because Michigan is authorized, a state operating license is issued to existing facilities in lieu of a federal permit. In circumstances where Michigan does not yet have equivalent administrative rules or authorization to implement new federal requirements, a federal permit – narrow in scope - may also be required to enforce those portions of the federal program that are not covered by the state operating license.

Under Part 111 of Act 451, a new hazardous waste treatment, storage, or disposal facility cannot be built without a construction permit from the Department of Environmental Quality (DEQ). The construction permit authorizes only the construction of the facility, although it also incorporates the conditions that will be included in the first operating license. The first operating license must be obtained after the facility is built and before it is used to manage hazardous wastes. Also, a federal permit covering any new portions of the federal program for which Michigan has not yet been authorized will be required at the time that the first operating license is issued.

## **Construction Permit Process**

The construction permit process involves two major phases of review: one by the DEQ; and another by the Site Review Board (SRB). The responsibilities of the DEQ are explained in Section 11119 of Act 451, and the SRB's responsibilities are explained in Section 11120 of Act 451.

### ***DEQ Process***

When an application is first submitted, the DEQ reviews the application to ensure that it is administratively complete. To be administratively complete, the application must contain all of the information required in Section 11118 of Act 451. The DEQ has 30 days to make this determination. If an application is not administratively complete, then the applicant is notified of the deficiencies and the review stops. When the applicant submits revisions to correct the deficiencies, the review starts over.

After the DEQ determines that the application is complete, the DEQ reviews the application for technical adequacy. The DEQ has 75 days from receipt of the complete application to conclude its technical review. To obtain public input early in the process, the DEQ also holds a public hearing at this time to receive comments on technical issues. If the application is not technically adequate, the DEQ must notify the applicant of the technical deficiencies and the deadline for correcting them.

During its review of the application, the DEQ also coordinates the other environmental permits (air, surface water, wetland, etc.) necessary for construction of the facility. The DEQ can deny a construction permit application for failure to obtain other environmental permits.

Within 120 days after receipt of a complete construction permit application, the DEQ must either proceed to deny the application or refer it to the SRB. The DEQ must refer a technically adequate application to the SRB. If the DEQ fails to act, the application is automatically referred to the SRB.

When the DEQ refers an application to the SRB, it must provide the SRB with a notice of intent to issue all environmental permits necessary for construction of the facility, pending recommendations of the SRB and approval by the DEQ. The DEQ must also provide the SRB with a draft construction permit, a copy of the application, and a responsiveness summary for the public hearing that was held during the technical review.

### ***SRB Process***

The SRB is established under Section 11117 of Act 451 and consists of ten members. Eight of the members are appointed by the governor: non-voting chairperson; chemical engineer; geologist; toxicologist; manufacturing industry representative; representative of municipalities; and two public representatives. The other two members are local appointees: one from the local municipality and one from the local county.

The SRB must recommend whether the DEQ should issue or deny the construction permit. Upon referral of an application from the DEQ, the SRB is charged with investigating and deliberating the impact of the proposed facility on

the local community. Because a determination of the local impacts requires considerable public input, the SRB must hold a series of open meetings.

The SRB's first meeting must be held within 30 days after it is created (150 days after the receipt of a complete application by the DEQ). The first meeting is an organizational meeting in which the project is presented to the SRB and in which the SRB establishes a schedule for review of the project. The SRB has 180 days from its first meeting to make its recommendation to the DEQ.

The SRB's recommendation must be based upon consideration of issues. At a minimum, the issues must include those specified in Section 11120 of Act 451:

- ?? The risk and impact of accident during the transportation of hazardous waste.
- ?? The risk and impact of contamination of ground and surface water by leaching and runoff from the proposed facility.
- ?? The risk of fires or explosions from improper treatment, storage, or disposal methods.
- ?? The impact on the local municipality in terms of health, safety, cost, and consistency with local planning and existing development.
- ?? Local ordinances, permits, and other requirements and their relationship to the proposed facility.
- ?? The nature of the probable environmental impact, including the specification of the predictable adverse impacts on the natural environment and ecology; public health and safety; scenic, historic, and cultural value; and water and air quality and wildlife.
- ?? An evaluation of measures to mitigate adverse effects.
- ?? The applicant's disclosure statement of its environmental compliance history.
- ?? The concerns and objections submitted by the public.

To establish a facility-specific list of issues for consideration, the SRB must hold a public hearing within 45 days after its first meeting. The SRB must then list the issues that will be addressed through its open deliberations, and those issues, if any, that will be referred to negotiations between the applicant, the local municipality and county, and other affected parties identified by the SRB.

If issues are referred to negotiations, the negotiation process must proceed concurrently with the SRB's deliberations, and must be completed within 150 days after the SRB's first meeting. The SRB may then accept or reject the negotiated settlement. If a negotiated settlement is not reached, then the SRB must select between final best offers presented by the negotiating parties.

The SRB may openly deliberate any of the issues that were not referred to negotiations and may seek the advice of any person (applicant, DEQ, public, etc.) during its deliberations. These deliberations occur during a series of open public meetings after the public hearing.

At the conclusion of its deliberations and any negotiations, the SRB must make a recommendation to the DEQ. A minimum of five of the voting members of the SRB must agree for a recommendation to be considered a legal action of the SRB. If the SRB recommends that the DEQ issue the construction permit, then the SRB may also recommend permit conditions to mitigate any adverse effects on the local community, to incorporate a negotiated settlement or final best offer from one of the affected parties, and to address any other concerns uncovered during its deliberations. If the SRB recommends denial of the construction permit, then it must state its reasons in writing, and, where applicable, identify what can be done to make the application acceptable if a new application is made.

### ***Final Decision***

The DEQ makes the final decision of whether to issue or deny a construction permit. In making its decision, the DEQ must consider the recommendation of the SRB and other information in the administrative record, as the DEQ deems appropriate.

Before making the final decision, the DEQ must prepare a fact sheet and a draft permit or basis for denial. The DEQ must also conduct a public hearing on the draft decision and allow an opportunity for persons to submit written comments as well. After the close of the comment period, the DEQ must prepare a responsiveness summary to all relevant comments and render the final decision. In rare circumstances, the DEQ could reconvene the SRB to consider new issues.

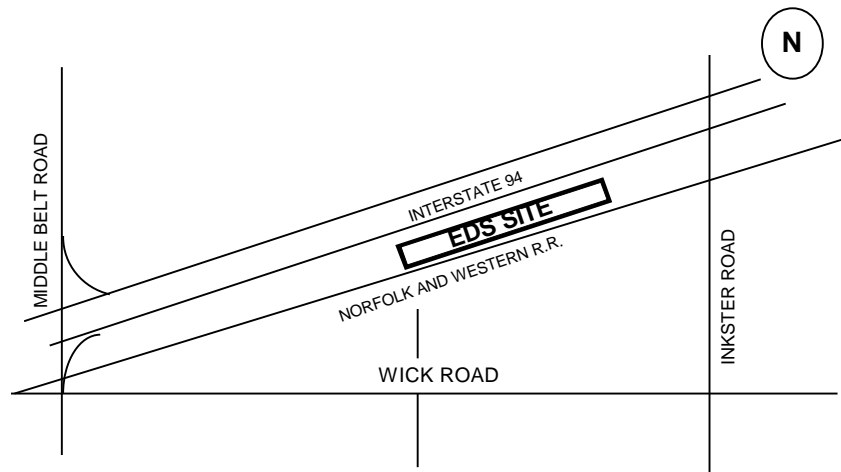
## **Environmental Disposal Systems, Inc. (EDS) Proposal**

### ***Description of Facility***

EDS proposes to construct a hazardous waste underground injection well facility. The facility would accept hazardous wastewaters from industry. The wastewaters are hazardous because they are corrosive (acidic or basic) or because they contain toxic contaminants (heavy metals or chemicals). The wastewaters would be treated in tanks to reduce the concentrations of contaminants and then they would be injected into deep wells.

### ***Location***

The facility would be located on an undeveloped site at 28470 Citrin Drive in Romulus, Michigan. The 15-acre site is west of Inkster Road, south of Interstate 94, and northeast of the airport.



### ***Environmental Permits***

Numerous permits and approvals from the U.S. Environmental Protection Agency (U.S. EPA), the DEQ, and local agencies are required before the facility can be constructed and operated. Permits and approvals under local building codes and ordinances are also required. The following environmental permits and approvals are required. Those that have already been obtained are checked (X).

- X U.S. EPA Underground Injection Control permit to construct the deep wells
- X DEQ permit to drill the deep wells
- X DEQ permit to discharge storm water to Godfrey Drain
- X DEQ approval for storage of combustible liquids
- X Wayne County Department of Public Services drain permit
- X Wayne County Department of Environment air permits
- X City of Romulus soil erosion and sedimentation control permit
- X DEQ wetlands permit
- DEQ hazardous waste management construction permit
- U.S. EPA approval of petition to inject restricted hazardous wastes
- DEQ hazardous waste management operating license

The DEQ hazardous waste management construction permit is the next major step. This construction permit must be obtained before the wells can be drilled and before the supporting storage and treatment facility can be built. After the facility is built and before it can be operated, EDS must obtain U.S. EPA approval to inject restricted hazardous wastes into the deep wells, and a hazardous waste management operating license from the DEQ.



### ***Construction Permit Application***

On May 19, 1999, EDS submitted its hazardous waste management construction permit application. The application covers the surface facilities for the storage and treatment of hazardous wastes prior to injection into the deep wells; it covers all aspects of the facility location, design, construction, and operation, except the deep wells themselves.

### ***DEQ Review***

The DEQ reviewed the application and determined that the facility complied with the technical requirements under Part 111 of Act 451. The DEQ referred the application to the SRB for further consideration. The key events and dates in the DEQ review were as follows:

May 21, 1999	Application determined to be administratively complete.
July 15, 1999	DEQ conducts technical review public hearing.
August 2, 1999	Application determined to be technically adequate.
August 2, 1999	Application referred to the SRB.

During its review, the DEQ kept the public informed of significant actions taken during the review by publishing notices in local newspapers and by sending notices to persons on the mailing list. In addition, the public contributed to the DEQ review by commenting during the technical review public hearing and throughout the review process.

### ***SRB Review***

The SRB reviewed the application and recommended that the DEQ deny the construction permit. The key events and dates in the SRB review were as follows:

September 16, 1999	SRB created.
October 14, 1999	SRB organizational meeting held in Romulus.
November 29, 1999	SRB tours Romulus, Taylor, and EDS site.
November 29, 1999	Public hearing held in Romulus.
December 16, 1999	Informal hearing held in Romulus.
January 26, 2000	Informal hearing held in Romulus.
February 24, 2000	Informal hearing held in Romulus.
March 9, 2000	Informal hearing held in Romulus
March 21, 2000	Final informal hearing held in Romulus

Early in its process, the SRB developed a comprehensive list of 40 issues to consider during its review of the project. The list of issues included all of the issues that the SRB is required to consider under Section 11120 of Act 451, plus issues that were identified by the public during the public hearing and comment period that ended on December 14, 1999. The SRB did not elect to refer any issues to negotiations between EDS, the city of Romulus, Wayne County, and any potential affected parties.

Beginning with the December 16, 1999 informal hearing, the SRB received oral and written testimony from local community officials, the public, EDS, and the DEQ on many of the issues. After hearing the requested testimony, the SRB briefly deliberated some of the issues and then voted to recommend denial of the construction permit for the following reasons:

1. Unsuitable location with insufficient access, inadequate water supply, and congested transportation routes.
2. Unacceptable impact on community resources, especially emergency response agencies.
3. Unacceptable risk of pollution of surface waters.
4. The failure of EDS to obtain approvals and reviews under local ordinances, and noncompliance with several local requirements relating to site plan review and minimum site size.
5. The project would involve the destruction of wetlands at the site, and the failure of EDS to obtain a wetland permit.
6. The adverse effect that the facility would have on property values, future quality development, and community image in an area that already is overburdened with undesirable land uses.
7. The lack of a demonstrated need for the additional hazardous waste disposal capacity.
8. Concerns regarding the integrity of EDS and its ability to properly operate the facility.
9. The nature of the wastes that would be managed at the facility.

The motion to recommend denial passed by a vote of five to three. The dissenting SRB members objected to the motion and the process that generated it for the following reasons:

- ?? They were not provided with sufficient time to review the motion, and were therefore not prepared to fully discuss it at the March 21, 2000 meeting.
- ?? They do not concur with all of the nine reasons for denial and believe that some of them are insignificant and untrue distortions of the facts. Further, these objections were not considered when the final motion was drafted.

- ?? Several members failed to take an objective view at the onset of the review process and polarized the SRB.
- ?? The process was compromised when the SRB hastily closed off hearing further testimony and failed to adequately deliberate the issues.

### ***DEQ Evaluation of SRB Recommendation***

The DEQ does not agree with the SRB recommendation to deny the construction permit because the SRB did not provide any legitimate reason for denial that cannot be mitigated by a special condition in the construction permit. The DEQ evaluation of each reason that the SRB gave for denial follows:

#### **1. *Unsuitable location with insufficient access, inadequate water supply, and congested transportation routes.***

The lack of more than one access road to the site is a legitimate issue, especially if the road is effectively blocked during an emergency or accident at the facility. Facility personnel would need an alternate evacuation route, and emergency responders would need an alternate entrance. EDS proposed an alternate access road from the southeast corner of the site to Inkster Road. The SRB found that alternate route to be unacceptable, apparently because it would be in a similar down-wind direction as the primary access road. Given the types of wastes that would be managed and the design of the facility, the possibility of an airborne toxic plume emanating from the site is extremely remote. Further, it is highly unlikely that any smoke or plume would block both Citrin Drive and the alternate access road. *Conditions I.C.5(f) and III.H.5 of the draft construction permit require EDS to provide the alternate emergency access road to the site. This reason for denial is resolved.*

The lack of adequate water volume and pressure supplied to the site is a legitimate issue, and, as noted by the SRB, can be corrected if EDS would provide a looped water supply to the site as required by the city of Romulus. EDS has already obtained the necessary easements and has developed the engineering plans for the looped water supply. *Condition III.H.4 of the draft construction permit requires EDS to install the looped water supply. This reason for denial is resolved.*

The transportation systems in Southeast Michigan, and particularly in the Romulus area, are congested, and the adverse effect of increased traffic is a legitimate issue. The SRB also noted several things that could be done to minimize some of the adverse effects.

Based on traffic studies presented to the SRB, the addition of 26 tanker trucks to the proposed route would not result in the downgrading of the service ratings for the affected roads. *Condition III.U.1 limits the number of trucks to 26 per day, mitigating this reason for denial.*

In addition, both the traffic studies and the SRB identified the need to

reconstruct the intersection of Citrin Drive and Inkster Road to better accommodate the trucks making left-hand turns. *Condition III.U.3 requires EDS to pursue this roadway improvement, mitigating this reason for denial.* The DEQ understands that EDS does not control the public roads or make the final decisions on reconstruction projects. Therefore, compliance with this condition requires EDS's best efforts to obtain the reconstruction.

The SRB also reasoned that the risk of accidents involving tanker trucks travelling to EDS was too high because areas along the proposed truck route already have a high accident rate. The DEQ does not conclude from the testimony that the risk is unacceptably higher for the tanker trucks. The testimony failed to make the link between the types of accidents, types of vehicles involved, times of day that the accidents occurred, and their causes, to the trucks that would travel to EDS. This is not a legitimate reason for denial.

**2. *Unacceptable impact on community resources, especially emergency response agencies.***

The SRB reasoned that the city of Romulus and the surrounding communities are incapable of providing an adequate and timely response to accidents and emergencies at the EDS facility. This is apparently based on the assumption that accidents or emergencies would involve the release of a toxic plume, and that the hazardous wastes would be so toxic that emergency responders would not have adequate training or equipment to enter the site. Given the types of wastes that would be managed and the design of the EDS facility, uncontrolled releases of hazardous wastes, toxic clouds, and catastrophic events are highly unlikely. If an accident or emergency does occur, the testimony from emergency response experts familiar with the capabilities of the local agencies, regional emergency response teams, and private emergency response contractors confirms that the area has sufficient equipment and trained personnel to respond adequately and in a timely manner to all emergencies at the EDS facility. Further, the local agencies are already responsible for accidents and emergencies at other facilities in the area that arguably have a greater potential for explosions and the release of harmful gasses, vapors, or fumes (e.g., fuel storage sites). *This reason for denial is not legitimate.*

**3. *Unacceptable risk of pollution of surface waters.***

The SRB reasoned that trucks would be staged along Citrin Drive, a roadway that is not part of the EDS site and that would not have controls in place to prevent accidental spills from contaminating adjacent surface waters and wetlands. The SRB suggested that spill controls be added to Citrin Drive to resolve this problem. Since the company has testified that it does not intend to use Citrin Drive for staging trucks, a simpler solution is to restrict staging or

parking on Citrin Drive. *Condition III.U.5 of the construction permit prohibits the staging of trucks on Citrin Drive. This reason for denial is resolved.*

**4. *The failure of EDS to obtain approvals and reviews under local ordinances, and noncompliance with several local requirements relating to site plan review and minimum site size.***

The SRB heard testimony that the site plan was not acceptable, that EDS had failed to obtain certain approvals, and that the site size was not adequate under local ordinances. The SRB noted that this issue could be corrected if EDS complied with the local requirements. The SRB failed to deliberate the local requirements to justify integrating them fully into the EDS project, as required of the SRB under Section 11120(12) and (13). For example, the need to obtain approval from the Environmental Protection Board, and any significance that it might have for the project, was not deliberated or justified. Since the SRB failed in its responsibility to justify and integrate specific local requirements, the DEQ will not integrate all of them into a construction permit for EDS. Instead, the DEQ will require compliance with certain local requirements that would not alter the approved plans and specifications or prohibit construction of the facility. *Condition I.C of the draft construction permit incorporates the relevant local requirements.*

**5. *The project would involve the destruction of wetlands at the site, and the failure of EDS to obtain a wetland permit.***

EDS obtained a wetland permit from the DEQ on June 9, 2000. *This reason for denial is resolved.*

**6. *The adverse effect that the facility would have on property values, future quality development, and community image in an area that already is overburdened with undesirable land uses.***

The SRB did not deliberate the issue and, therefore, did not develop a defensible argument that the facility would have an adverse impact on property values, future land uses, and community image. Further, if the SRB was convinced on this issue, it missed the opportunity (arguably an obligation) to identify what could be done to mitigate the adverse impacts. The SRB stated that these concerns are not individually determinative of its decision to recommend denial. The DEQ agrees. *The DEQ does not find any convincing evidence in the written testimony that the facility will negatively impact property values or have the other adverse effects identified by the SRB. This is not a legitimate reason for denial.*

**7. *The lack of a demonstrated need for the additional hazardous waste disposal capacity.***

A fundamental premise of Michigan's siting process is that it is market-driven: private industry decides whether the market will support a facility and takes the economic risk to propose and build it. The state's role is to ensure that the facility does not present an unacceptable risk to public health, safety, or welfare, or to the environment.

The SRB heard testimony that Michigan has excess capacity for the treatment and disposal of certain wastes. That capacity is not guaranteed, and the DEQ is not aware of any defensible capacity needs a study done on hazardous waste management in Michigan. The best study done in Michigan was based on data from 1991, and even though it was much more thorough, the study could not accurately predict future capacity needs. Market forces and changes in regulations, neither of which can be accurately predicted, drive capacity needs in the long term.

*Further, EDS would offer an alternative disposal method to that available at the existing facilities in Southeast Michigan. Michigan currently has no commercial hazardous waste underground injection well facilities. This reason for denial is not legitimate.*

**8. Concerns regarding the integrity of EDS and its ability to properly operate the facility.**

The SRB cited several inconsistencies in testimony by EDS and suspicion over information in the company's disclosure statement. The SRB did not directly accuse EDS of providing false or misleading testimony, and it did not pursue clarification of the perceived inconsistencies from EDS. *Further, the perceived inconsistencies regard information that is not relevant to the potential impact that the facility would have on public health, safety, and welfare and on the environment. Therefore, the issue of inconsistent statements is not a legitimate reason for denial.*

Regarding the disclosure statement, the SRB was provided with testimony that the disclosure statement complies with the requirements under Part 111 of Act 451, and that there were no listings in the disclosure statement that could be a basis for denial of the construction permit. The SRB did not dispute that testimony. *The SRB's suspicions are not a legitimate reason for denial.*

**9. The nature of the wastes that would be managed at the facility.**

The SRB erred in its understanding of the types of wastes that would be managed at the facility and suggested that the wastes should be limited to noncorrosive (nonhazardous) wastewaters that are at least 90 percent water. *The facility is capable of safely managing the wastes authorized in the construction permit, and the wastes do not present an unacceptable risk*

*during transportation. This reason for denial, and the SRB's suggested cure, are not legitimate.*

### **Draft Construction Permit**

The requirements for the content of construction permits are contained in R 299.9516 and R 299.9521. The DEQ has prepared a draft construction permit to satisfy those requirements. The draft construction permit is organized in seven parts:

- I. Construction Conditions
- II. Standard Conditions to be Included in an Operating License
- III. General Operating Conditions to be Included in an Operating License
- IV. Container Storage Conditions to be Included in an Operating License
- V. Tank System Storage and Treatment Conditions to be Included in an Operating License
- VI. Environmental Monitoring Conditions to be Included in an Operating License
- VII. Corrective Action Conditions to be Included in an Operating License

In addition, the following components of the application are incorporated as attachments to the construction permit:

1. Engineering Plans and Specifications
2. Waste Analysis Plan
3. Inspection Schedule
4. Training Outline
5. Contingency Plan
6. Closure Plan
7. List of Acceptable Hazardous Wastes
8. Management of Accumulated Liquids in Container Storage Area
9. Tank Treatment
10. Management of Accumulated Liquids in Tank Systems
11. Environmental Monitoring Sampling and Analysis Plan
12. Truck Route
13. Community Mitigation Agreement

### ***Authorized Capacities and Activities***

The draft construction permit authorizes the storage of up to 11,000 gallons of hazardous wastes in containers in the drum storage area, up to 92,000 gallons of hazardous waste in rail tanker cars in the railcar storage and unloading area, and up to 267,900 gallons of hazardous waste in tanks.

In addition, the draft construction permit authorizes the treatment of up to 400,000 gallons per day of hazardous wastes in tanks. The treatment methods include oil and water separation, primary settling, flocculation, clarification, filtration, and sludge dewatering.

The ultimate disposal of the treated wastewaters would be in two underground injection wells at the facility in accordance with separate Underground Injection Control and Mineral Wells Permits from the U.S. EPA and the DEQ, respectively.

### ***Authorized Hazardous Wastes***

The construction permit authorizes the storage and treatment of aqueous hazardous wastewaters that may be corrosive (acidic or basic) and that may contain toxic contaminants (heavy metals and organic compounds). The wastes must be non-ignitable, non-reactive, and non-radioactive wastewaters that do not contain regulated polychlorinated biphenyls (PCBs), pesticides, herbicides, medical wastes, explosives, poisons, greater than 30 milligrams/kilogram (mg/kg) reactive cyanides, greater than 200 parts per million (ppm) reactive sulfides, or more than ten percent volatile organics (Conditions IV.B, V.B, and V.C).

### ***Variances or Alternatives to Minimum Standards***

EDS did not request, and the draft construction permit does not authorize, any variances or alternatives to minimum design, construction, or operating standards under Part 111 of Act 451.

### ***Facility-Specific Conditions***

In addition to the standard or “boilerplate” conditions typical of all construction permits and operating licenses, the draft construction permit contains several facility-specific conditions. Many of these conditions are intended to mitigate the adverse effects identified by the SRB in its reasons for denial of the construction permit.

#### Site Access

Conditions I.C.5(f) and III.H.5 require EDS to provide an alternate emergency access road to the site. This addresses the concern that Citrin Drive would have been the only access road to the site, and that access from the north, south, and west is inhibited by the highway and other land uses.

#### Water Supply

Condition III.H.4 requires EDS to provide a looped water supply to the site in accordance with city of Romulus requirements for water at adequate volume and pressure.

#### Truck Traffic

Condition III.U requires EDS to limit the amount of tanker trucks that transport hazardous waste to the facility and to use only the specified route. In addition, Condition III.U.3 requires EDS to pursue reconstruction of the intersection of Citrin



Drive and Inkster Road to address city of Romulus preferences for a deceleration and passing lane.

#### Truck Staging

Conditions I.C.5(d) and III.U.4 and III.U.5 limit the number of trucks that may be staged on-site and prohibit the staging of trucks on Citrin Drive. This addresses the concerns over the site's compliance with local ordinance parking limitations and the threat of a release in an area that does not have spill controls and collection systems.

#### Local Ordinances and Requirements

Condition I.C integrates the appropriate local ordinance requirements into the construction permit. This addresses many of the issues identified by the site plan review, including locations of fire hydrants, Citrin Drive improvements, on-site fire lanes, on-site truck parking, curb radii on the entrance to the site, and a secondary access road. This condition also requires EDS to *endeavor* to comply with other local requirements except where they would alter the approved plans and specifications or prohibit construction of the facility.

#### Community Mitigation

Condition III.V incorporates the Community Mitigation Agreement between EDS and the Environmental Concerns Association made in 1996, and modified in 2000. Although not sanctioned by the SRB, the agreement was the result of negotiations between EDS and the only local citizens group that was apparently willing to negotiate with EDS. The agreement responds to concerns about facility operations, property values, truck routes, etc., and also includes some compensation in the form of grants to local schools and college tuition scholarships.

### **Public Participation**

The EDS application and its review have already undergone considerable public scrutiny. Both the DEQ and SRB review processes were open to the public and generated considerable public comment. During this final stage, the DEQ will offer the public an opportunity to comment on the draft construction permit. The purpose of public participation is to ensure that the public has knowledge of the DEQ's proposed action, and that the public has an opportunity to comment on that action. In addition, the process ensures that the DEQ has the opportunity to benefit from any information that the public might have relative to the proposed action.

#### ***Public Comment Procedures***

Comments may be submitted in writing to the contact person identified below between now and February 1, 2001. Comments may also be presented at the public hearing. The public comment and public hearing procedures are in accordance with R 299.9514 and R 299.9515.

The public hearing on the draft construction permit will be held on January 17, 2001 at the Romulus High School Auditorium, 9650 South Wayne Road, Romulus, Michigan, starting at 7:00 p.m. and continuing until all persons have had an opportunity to present their comments for the record. All persons that intend to speak at the public hearing must register by 7:30 p.m. Persons with disabilities needing accommodations for effective participation in this hearing should contact Mr. Steve Sliver at the address below, or at 517-373-1976, at least a week in advance of the hearing to request mobility, visual, hearing, or other assistance.

After the close of the public comment period, the DEQ will decide whether to issue the construction permit. The Director of the DEQ when making that decision will consider the written comments submitted during the public comment period and the oral testimony presented at the public hearing. Responses to relevant comments will be included in the administrative record supporting the final decision. The final decision will be communicated to the applicant, to each person who commented during the public comment period, and to each person on the facility mailing list.

#### ***Locations of Available Information***

The draft construction permit and application may be reviewed at the Romulus Public Library located at 11121 Wayne Road, Romulus, Michigan; at the DEQ Southeast Michigan District Office located at 38980 Seven Mile Road, Livonia, Michigan (contact Mr. Mike Busse, at 734-953-1403); and at the DEQ Waste Management Division Office located on the first floor of the John A. Hannah Building, 608 West Allegan Street, Lansing, Michigan (contact Mr. Steve Sliver, at 517-373-1976).

#### ***Contact Person***

Comments and requests regarding the draft construction permit must be addressed to:

Mr. Steve Sliver  
Waste Management Division  
Department of Environmental Quality  
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